

Original signed April 1, 2004

Ms. Laurie Allen  
Acting Director, Office of Protected Resources  
National Marine Fisheries Service - 13<sup>th</sup> floor  
1315 East-West Highway  
Silver Spring, MD 20910

Dear Ms. Allen:

The Office of Pesticide Programs (OPP), US Environmental Protection Agency (EPA) respectfully requests the initiation of Endangered Species Act (ESA) section 7(a)(2) consultation. This consultation request addresses 15 Evolutionarily Significant Units (ESUs) of Pacific salmon and steelhead that have been listed as Federally endangered or threatened, and one pesticide active ingredient registered by EPA under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), for uses within the range of the listed ESUs. The pesticide active ingredient subject to this request is trifluralin which is a dinitroaniline herbicide which used to control a wide range of annual grasses and broadleaved weeds. The principal agriculture uses are soybeans and cotton. Other crops, which account for 5% or less of total usage, are alfalfa for hay, sunflower, wheat and other grains, tomatoes, and green peas. Our long-term intent is to make effects determinations and consult, as appropriate, relative to all listed species and locations. However, as per agreement with the National Marine Fisheries Service, this request is limited to Pacific salmon and steelhead for which NMFS has responsibility.

Trifluralin has very high toxicity to fish and invertebrates in laboratory tests. However, based on the best available data on usage, environmental fate characteristics, the habitat for the individual ESU's and other information, OPP has determined that some trifluralin uses may affect 11 listed Pacific salmon and steelhead ESUs; may affect but are not likely to adversely affect 4 listed Pacific salmon and steelhead ESUs; and trifluralin use will have no effect on the remaining 11 ESUs.

A summary table at the back of the attached analysis indicates the specific determinations made for each of the 26 ESUs. I am requesting your concurrence, under the informal consultation process, on OPP's determination that the registered use of trifluralin is not likely to adversely affect the following listed Pacific salmon and steelhead ESUs: Lower Columbia River chinook salmon, Sacramento River winter run chinook salmon, Oregon Coast coho salmon, Lower Columbia River steelhead. I am also requesting formal consultation on our determination that use of trifluralin may affect the Upper Columbia chinook salmon, Snake River spring/summer run chinook salmon, Snake river fall-run chinook salmon, Upper Willamette chinook salmon, Central Valley spring run chinook salmon, Snake River sockeye salmon, Snake River Basin steelhead, Upper Columbia River steelhead, Middle Columbia steelhead, Upper Willamette River steelhead and the Central Valley California steelhead. We are not requesting consultation on the remaining 11 since we have determined that trifluralin use will have no effect

on these ESUs.

OPP is working toward a final endangered species program which is expected to be final within the next several months. We are developing county-specific bulletins to address pesticide use and endangered and threatened species. It is through such bulletins, and pesticide product label reference to them, that OPP intends to implement and enforce protections for listed species, including any necessary protections for listed salmon and steelhead.

I look forward to working with NMFS to protect and help recover listed species. If you have any questions, please feel free to contact me on (703) 305-5239, or your technical staff may contact Ann Stavola or Michael Patterson, our review biologists, at (703) 305-5354 and (703) 605-0649, respectively.

enclosures

Sincerely,

Arthur-Jean B. Williams, Chief  
Environmental Field Branch  
Field and External Affairs Division (7506C)

cc: Craig Johnson